



## Nuclear Waste Update Special Insert: Eureka County's EIS Comments; DOE's Responses

***Ever wonder what happened to the comments you made about the proposed Yucca Mountain repository?*** Did you give testimony at a public hearing in Crescent Valley or mail DOE written comments on the Draft Environmental Impact Statement? Are you interested in finding out if DOE responded to your comments and made the changes you requested in the Final EIS? For those who would like to know how their comments fared, the Eureka County Yucca Mountain Information Office is publishing a new document that specifically analyzes DOE's responses to the comments of Eureka County residents, property owners, and officials. The document, which will be released this fall, is called the *Eureka County Summary of DOE's Final Environmental Impact Statement Comment-Response Document*. This special insert gives a summary of what the document will contain, as well as examples from the text.

### Document Purpose:

One of the proposed rail routes that could be used to transport nuclear waste to a Yucca Mountain repository passes through Eureka County. Recognizing how their homes and livelihoods could be changed by the construction and operation of such a rail line, many Eureka County residents and property owners submitted comments on both the Draft and Supplemental Environmental Impact Statements. Written comments were submitted by mail, fax, and email. Oral comments were given at two hearings held in Crescent Valley in 1999.

In February 2002, the U.S. Department of Energy (DOE) released the *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*. Included in this Final Environmental Impact Statement (EIS) is a Comment-Response Document, which consists of DOE's responses to comments it received on the Draft EIS and Supplement to the Draft EIS. The Final EIS is a lengthy document, and the Comment-Response portion alone encompasses nearly 2,800 pages. Locating the responses to the comments given by Eureka County residents through the maze of indexes and volumes can be a difficult task.



The Eureka County Comment-Response document assembles the oral and written comments given by Eureka County residents and DOE's responses to those comments. DOE's responses are then analyzed for their adequacy in addressing the issues raised by the commenters. The purpose of this document is therefore twofold: it serves to make DOE's responses more accessible and manageable for Eureka County commenters, as well as to provide an official assessment of DOE's responses for the record.



### Summary of Findings:

Eureka County commenters voiced their concerns on a variety of issues. Chief among the subjects raised is the issue of nuclear waste transportation. Commenters were concerned about all aspects of the proposed rail route, including its effects on health and human safety, the County's economy, and the surrounding environment. The possibility of accidents and the corresponding emergency response activities were also subjects of concern regarding transportation.

Additionally, commenters weighed in on a variety of other subjects relating to the proposed Yucca Mountain repository. Many voiced their general opposition to the project. Native American commenters expressed a desire to be allowed a more meaningful role in the process. Some commenters brought up legal

and policy issues, questioning DOE's adherence to National Environmental Policy Act (NEPA) and Nuclear Waste Policy Act (NWPA) regulations. Others commented on the EIS process and the inadequacy of the No-Action Alternatives included in the document. Still others pointed out flaws in the repository design and found fault with the analysis of cumulative impacts in the Draft EIS.

DOE responded to all of these comments in the Comment-Response Document of the Final EIS. Unfortunately, DOE did not respond to each comment individually. In the majority of cases, DOE grouped a number of comments into one statement and addressed all of them with a blanket summary response. While this methodology streamlined the task at hand – DOE received over 11,000 comments on the Draft EIS alone – it repeatedly resulted in incomplete and inadequate responses to the often complex questions and critiques posed by Eureka County commenters.



Conversely, because DOE often addressed a wide range of comments in a single response, the responses frequently contain information unrelated to the remarks of Eureka County commenters. For the purposes of the Eureka County document, DOE's responses have been edited to remove material irrelevant to the comments of Eureka County residents.

DOE gave detailed responses to many comments and often referenced the appropriate sections in the Final EIS document to direct the reader to further information. However, there are a multitude of issues upon which both the Final EIS and DOE's statements in the Comment-Response Document are inadequate. The following are examples of areas in which DOE's responses were found to be inadequate.

## **Transportation**

Many commenters stated that the Draft EIS contained insufficient information on which to base transportation decisions.



A County official commented, "The EIS states that the DOE intends to make the decision on which mode, whether it will be truck, rail, or heavy haul, and the route based on this information. Based on the limited information presented in this document, such a decision could not... be an informed one because there is so little information about the routes, the communities they travel through, or even the DOE's concept of operating this rail line." (Pete Goicoechea, EIS000630/02)

"I live in Crescent Valley, the area [where DOE] has proposed to build a rail site across Nevada to Yucca Mountain, and the DOE still has not researched the safety risks involved in shipping this material across the country and through our area." (Donna M. Woods, EIS001945/04)

Another County official stated, "since the origins and destination of the nuclear waste are known, the Department should have identified specific routes in the draft which would have informed communities...throughout the country of the Department's plans." (Sandy Green, EIS000619/07)

However, without any significant additions to the original transportation information analyzed in the Draft EIS, DOE has chosen rail as its preferred transportation alternative in the final document. Additionally, DOE has stated its intent to designate a rail corridor without further study or impact analysis of the five candidates, despite the many comments pointing to the inadequacies of the current level of analysis.

### **Comments on the Site Recommendation**

In addition to submitting comments on the Draft EIS, many Eureka County residents also gave comments at the site recommendation consideration hearings. One of these hearings took place in Crescent Valley in October of 2001. DOE received about 4,600 additional comments on the possible recommendation of the Yucca Mountain site to the president. These comments, however, were not included in the Final EIS Comment-Response Document. Instead, they were summarized and responded to in DOE's Site Recommendation Comment Summary Document (SRCS), released in February 2002. Eureka County has not compiled a response to this document. However, if you would like to obtain a full copy of the SRCS, contact DOE at 1-800-967-3477 or visit DOE's Yucca Mountain Project website at <http://www.ymp.gov>.

## Mitigation

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Many commenters asked why decisions on actions to mitigate impacts of a rail line has not been made in the Draft EIS.

A commenter asked, “Will the Cortez Mine be given its own railroad overpass to continue its daily operations? As one can see on the map...the corridor goes right through their operations. They have a mill on each side of the valley...[these issues] have not been addressed in the Draft EIS.”

(Joseph Carruthers, EIS000642/03)

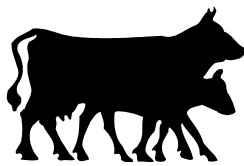


“Will the private property along the tracks be condemned? If so, will the property owners be given fair market value? The EIS is inadequate on this question.” (Lee Loudon, EIS000940/02)

“Will there be an overpass or underpass for county access roads to private property? Who will maintain these changes that would be made to county access roads?” (Jamie Gruening, EIS000632/04)

Another wondered, “Is the proposed rail line to be a single use line or will it have other potential uses? Will railroads handle these shipments as dedicated cargo or will they be shuffled from rail line to rail line and possibly lost?” (Laura Mae Scott, EIS001232/08)

On these and many similar issues, DOE offered no more than suggestions as to what may happen in the future. No decisions were made on whether or not to fence the rail line, use the rail line for single or shared cargo, or construct underpasses or overpasses for access. Despite NEPA requirements to develop specific, feasible measures to mitigate the impacts of a proposed action, DOE disclosed no concrete plans to lessen the environmental effects of the construction and operation of a rail line. DOE states that such measures will be proposed following further environmental studies of the rail corridor; however these studies will only take place if the corridor is designated as the preferred route. Many issues important to Eureka County commenters, such as grazing rights-of-way and compensation for private land, therefore currently remain unresolved.



## Emergency Response

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Eureka County commenters expressed concern over the short time allotted for emergency response and management training, as well as DOE’s failure to disclose any specific information on how emergency response will be made feasible in a rural area with scarce resources such as Eureka County.

The Eureka County Local Emergency Planning Committee submitted its comments to DOE: “The description of rail line operations is vague and incomplete; particularly regarding safety and emergency actions necessary for response to accidents. Additionally, the Draft EIS does not address the fact that local emergency resources are scarce in most of the area impacted by the Nevada transportation alternatives...The scarcity of these resources may increase the severity of injury and negative impacts of any transportation accidents or incidents.” (Mike Rebaleati, EIS000950)

Concern was also voiced over emergency response personnel, “if they should become involved in a nuclear accident, or exposure. And I wonder what provisions are going to be provided for that family and the loss of income while that member is going through treatment and possibly even long-term treatment that may end his career.” (Kevin Jackson, EIS000649/01)

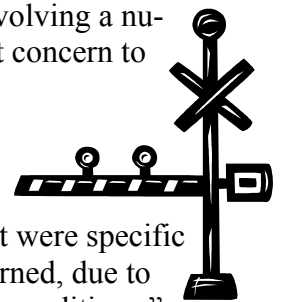
Unfortunately, DOE fails to adequately expand upon this issue in the Final EIS or the Comment-Response Document. DOE merely cites Section 180(c) of the NWPA – which states that federal funds will be allocated to states and tribes for emergency response assistance – instead of disclosing any specific information on the nature, amount, and extent of the assistance and compensation that will be provided.

## Accident Scenarios

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The possibility for an accident involving a nuclear waste shipment was of great concern to several commenters:

One commenter stated, “I see nothing in [the EIS] on accident plumes or contaminated areas that were specific to this area with which I’m concerned, due to our prevailing winds and weather conditions.” (Bill Leppala, EIS000641/03)



Another stated, “The EIS provides very little analysis of the impacts of a release...of radioactivity into the Humboldt River, which is crossed many times by the existing rail and also by the interstate if we are talking truck transport.” (Pete Goicoechea, EIS000630/08)

Yet, despite calls for a more thorough analysis of the impacts of an accident, DOE did not in the Final EIS examine the possibility of contamination of surface or groundwater, nor employ area-specific atmospheric conditions to calculate exposure rates. Instead, in both the Final EIS and the Comment-Response Document, DOE repeatedly defers to the fact that, while reasonably foreseeable, the chances of such an accident occurring are very unlikely.

### **Economic Impacts**

Many Eureka residents were concerned about the effect a rail line would have on the property values and economy of their community.

One commenter asked, “who will compensate the property owners for the decreased value of their properties? How will the Crescent Valley/Beowawe area be compensated for [the detriment of] the growth and future of the community?” (Laura Mae Scott, EIS001242/08, 09)

Another stated, “We are concerned about the potential loss of market value because of the stigma of a nuclear waste rail line in the county.

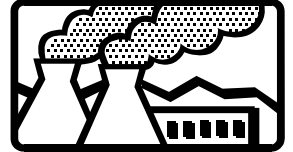
And with our strong agricultural base in this county, the nuclear stigma would affect not only property values, but also crop prices. We are also aware that such a stigma can stymie our efforts to diversify the local economy and to attract new enterprises to this county, not to mention retaining our existing businesses.” (Sandy Green, EIS000619/02)

At the request of commenters, DOE slightly expanded its discussion of economic stigma effects in the Final EIS. Unfortunately, instead of analyzing potential economic impacts specific to Eureka County, DOE lumped Eureka, Lander, and Esmeralda Counties into a single category titled the “Rest of Nevada.” This categorization is dismissive to the unique qualities of the Eureka County economy and fails to address the questions raised by Eureka County commenters.

### **Unreasonable No-Action Alternatives**

Commenters also voiced their concerns over the lack of reasonable alternatives analyzed in the Draft EIS.

“The very heart or essence of the NEPA process is the evaluation of alternatives to the project at hand. And instead, we get two alternatives. We...can build the dump or the no action alternative. And I’d like to point out that the no action alternative that we have been presented in this document is completely unreasonable, and in fact, I don’t know of anybody advocating for the scenario that you have put in the no action alternative.” (Christopher Sewell, EIS000638/03)



However, despite these comments and contrary to NEPA regulations, DOE has not altered the No-Action Alternatives against which the Proposed Action is measured. The alternatives presented in the Final EIS are the same as those initially proposed in the Draft.

### **Conclusion**

The above highlights represent only an overview of the ways in which DOE’s responses have proved insufficient in addressing the concerns of the Eureka County residents who will be affected by a Yucca Mountain repository. While DOE has slightly expanded its analysis of various issues raised by commenters, there are many areas in which the Final EIS remains nearly as inadequate as the Draft.

The Eureka County Comment-Response Document serves to identify the issues specifically raised by the residents, landowners, and officials of Eureka County and to assess DOE’s responsiveness to them. The document will be posted online at Eureka County’s Yucca Mountain website, [www.yuccamountain.org](http://www.yuccamountain.org). If you would like a paper copy, please contact the County at the following address or phone number:

**Yucca Mountain Information Office**  
**P.O. Box 714**  
**Eureka, NV 89316**  
**Tel. (775) 237-5372**

*This insert was written by Sarah Walker, who also authored the County’s Report on DOE’s EIS Comment-Response Document.*